

# Georgia Department of Natural Resources

2 Martin Luther King, Jr. Dr. S.E., Suite 1462 East, Atlanta, Georgia 30334

**Reply To:**

Response and Remediation Program  
2 Martin Luther King, Jr. Drive, S.E.  
Suite 1462, East Tower  
Atlanta, Georgia 30334-9000  
Office 404-657-8600 Fax 404-657-0807

Chris Clark, Commissioner  
Environmental Protection Division  
F. Allen Barnes, Director  
Land Protection Branch  
Mark Smith, Branch Chief

December 6, 2010

**VIA E-MAIL AND REGULAR MAIL**

# FILE COPY

Mr. Henry Wirth  
F.S. Associates, L.P.  
c/o Mr. Scott Laseter  
Kazmarek Geiger & Laseter LLP  
One Securities Center, Suite 201  
3490 Piedmont Rd NE  
Atlanta, Georgia 30305

Re: Revised Voluntary Remediation Plan Application, October 2010  
Hunting Creek Shopping Plaza, HSI Site No. 10832  
Conyers, Rockdale County, Georgia  
Tax Parcel ID: 075001034A

Dear Mr. Wirth:

The Georgia Environmental Protection Division (EPD) has reviewed the October 8, 2010 Revised Voluntary Remediation Plan (VRP) Application submitted by MACTEC Engineering & Consulting, Inc. pursuant to the Georgia Voluntary Remediation Program Act (the Act), which has been submitted in lieu of a compliance status report (CSR) required pursuant to the Georgia Rules for Hazardous Site Response (the Rules) for the above referenced property. EPD is approving your voluntary remediation plan, which specifies additional site assessment and corrective action consisting of the following:

- Additional monitoring wells will be installed for horizontal delineation of the groundwater plume to the southeast and to address the potential for a preferential pathway to the northeast;
- Vapor intrusion modeling of volatile organic compound (VOC) impacted groundwater and/or collection of site specific data to evaluate if the vapor intrusion pathway is complete and poses an unacceptable risk for human exposure; and
- Fate and transport modeling of VOC impacted groundwater to illustrate no human or environmental receptors will be impacted by this release.

Therefore, EPD is accepting F.S. Associates, L.P. as a participant as defined in the Voluntary Remediation Program Act for the following qualifying property provided F.S. Associates, L.P. implements the VRP in compliance with the following schedule and conditions:

**Qualifying property:**

1820 GA Highway 20 SE  
Conyers, Rockdale County, Georgia  
Tax Parcel ID: 075001034A

Within six months of detecting regulated substance(s) on a non-qualifying property, the participant must apply to EPD to include the affected property as a qualifying property under the Act or notify EPD the non-qualifying property is not included under the Act.

**Schedule:**

- Semiannual progress reports are to be submitted to EPD. Each progress report must describe all actions taken since the last submittal, and include certification by the professional engineer/geologist specified in the VRP along with a monthly summary of hours invoiced and description of services provided since the last submittal.
  - Every June 6<sup>th</sup> and December 6<sup>th</sup> through December 6, 2015.

In addition to the information required above, the following must be included in the specific progress reports discussed below.

- December 6, 2011 semiannual progress report must demonstrate horizontal delineation on the qualifying property;
  - December 6, 2012 semiannual progress report must demonstrate complete horizontal delineation; and
  - June 6, 2013 semiannual progress report must demonstrate complete horizontal and vertical delineation, finalize the remediation plan and provide a cost estimate for implementation of remediation and associated continuing actions. EPD recommends that the participant finalize approval of cleanup standards for all regulated substances prior to this submittal.
- Compliance status report (CSR) including certifications:
    - December 6, 2015

**Conditions:**

1. EPD requests the submittal of a cost estimate for full implementation of the VRP through CSR submittal and a financial assurance instrument in that amount by no later than January 29, 2011. Model financial assurance instruments can be located at <http://www.gaepd.org/Files/PDF/forms/hwb/HSIModel.pdf>.
2. Within ninety (90) days of F.S. Associates, L.P.'s notice to withdraw from the Voluntary Remediation Program or termination by the Director pursuant to §12-8-107(d) of the Act, F.S. Associates, L.P. must submit a compliance status report that complies with requirements of the Hazardous Site Response Act and associated Rules for Hazardous Site Response.
3. F.S. Associates, L.P. must pay all outstanding fees within sixty (60) days of receipt of an invoice for any costs to the division in reviewing the application or subsequent document that exceed the initial application fee.
4. F.S. Associates, L.P. must address EPD's December 6, 2010 comment letter regarding the VRP application.

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EPD requires that F.S. Associates, L.P. and the professional engineer/geologist specified in the VRP oversee the implementation of the VRP in accordance with the provisions, purposes, standards and policies of the Act. EPD may, at its sole discretion, review and comment on documents submitted by F.S. Associates, L.P. However, failure of EPD to respond to a submittal within any timeframe does not relieve F.S. Associates, L.P. from complying with the specified schedule and the provisions, purposes, standards and policies of the Act. Should F.S. Associates, L.P. fail to comply with the above schedule, EPD may terminate enrollment of the participant and the qualifying property from the voluntary remediation program.

Pursuant to §12-8-107(b) of the Act, EPD will notify the owner of the qualifying property the property has been designated as needing corrective action, and request them to file the required deed affidavit. If the affidavit is not filed, EPD may terminate enrollment of the qualifying property from the voluntary remediation program.

EPD's approval of the VRP extends only to those technical aspects of the document that expressly require EPD approval under applicable rules and statutes. This approval is not an endorsement by EPD that it accepts as conclusive any representations made in the document. Nor does EPD guarantee or warrant that the document is free of errors or omissions. EPD may later withdraw approval of this document, in whole or in part, if EPD determines that withdrawal is necessary to ensure compliance with the applicable rules and statutes.

If you have any questions, please contact Jessica McCarron or Kristen Ritter Rivera of the Response and Remediation Program at (404) 657-8600.

Sincerely,



Mark Smith, Chief  
Land Protection Branch

c: Charles T. Ferry, MACTEC  
Hunting Creek Retail LLC  
File: 10832  
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